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SUBJECT: STAFFDEL LERNER VISITS CAMBODIA

REF: PHNOM PENH 549 AND PREVIOUS

SENSITIVE BUT UNCLASSIFIED

¶1. (SBU) SUMMARY: A Senate staff delegation (STAFFDEL) visited Cambodia from August 15-19 to discuss trafficking in persons, human rights, and refugee issues. The STAFFDEL met with government officials at both the provincial and national levels, opposition politicians, and a variety of non-governmental organizations. The STAFFDEL noted how foreign donor interest in HIV/AIDS and TIP has yielded a patchwork quality of government that is quite progressive in its response to some issues, but deeply lacking in others. Moreover, they agreed it was still early for this post-conflict society to address effectively some of these difficult issues. END SUMMARY.

DPM Sar Kheng: Cooperation Key to Anti-TIP Efforts

¶2. (SBU) STAFFDEL Lerner, comprised of Robin Lerner, Counsel to the Senate Foreign Relations Committee ; Janice Kaguyutan, Counsel to the Senate Health, Education, Labor, and Pensions Committee; and Ann Norris, staff to Senator Barbara Boxer had a varied schedule of meetings in Cambodia August 15-19, primarily focused on TIP. In their highest level meeting, the STAFFDEL, accompanied by the Deputy Chief of Mission (DCM), met on August 18 with Deputy Prime Minister (DPM) and Minister of Interior Sar Kheng. The DPM, head of the Royal Government of Cambodia's (RGC) anti-TIP efforts, described the interagency structure the RGC is putting in place to improve cooperation and communication between ministries, and between the RGC and NGOs, to combat human trafficking. He stated that this improved National Commission to counter trafficking will be formalized with a Sub-Decree signed by the Prime Minister this fall. Following the adoption of the Sub-Decree, the National Commission will examine and put a five-year anti-trafficking plan in place (covering 2009-2013).

¶3. (SBU) The DPM noted that he had reviewed convictions in TIP cases with the Minister of Justice, and indicated his intention to continue joint reviews of arrests and convictions, and to establish clear standards for investigating and pursuing TIP cases. In addition, the DPM has proposed that a police officer be present at every TIP-related trial, to provide additional testimony as needed, and to protect cases for successful prosecution.

¶4. (SBU) The DPM acknowledged that defining TIP can be difficult, especially when relating it to cases of interest to the USG. Ultimately, he said, the RGC defines TIP perpetrators as those who persuade people to travel to a new place with the promise of a good job, and then place them in a brothel or other exploitative situation. (COMMENT: This definition demonstrates that the DPM has a clear understanding of the issue, as defined in U.S. law, though lower-level officials in the RGC often struggle to understand

the problem. END COMMENT.) The DPM lamented that many victims claim they participate in exploitative activities voluntarily, making intervention difficult. He stated that the problem cannot be solved quickly, but that he believed it was slowly getting better.

15. (SBU) When asked about the main challenges facing anti-TIP efforts, the DPM said that the RGC needs greater efforts to spread information about the TIP problem to the general public, especially in the provinces. He thanked USAID and The Asia Foundation for their assistance in these efforts, but recognized that the RGC must still do more with the limited resources available to it. He also expressed a need for more standardized police training, such as a national seminar, to broaden knowledge and experience with TIP cases to all members of the police forces. He expressed appreciation for U.S. cooperation toward this goal.

Victim Protection Challenges Remain

16. (SBU) The STAFFDEL also met with working-level contacts on TIP at the Ministry of Social Affairs (MOSAVY), Ministry of Interior (MOI) and Ministry of Justice (MOJ). All meetings raised the issue of victim protections, and the need to improve protection standards to support more prosecutions. MOI officials emphasized a need for the RGC to provide incentives to encourage victims to identify themselves and testify against their abusers. At MOJ, contacts said witness reluctance to testify against perpetrators remained a challenge, but that because victim testimony in court is required under Cambodia's legal system, encouraging victim

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testimony was a key priority.

17. (SBU) As evidence of the need for the RGC to improve and standardize victim protections, one MOJ contact described a call she received from a victim protection NGO requesting help because a victim's parents were suing the shelter for illegal detention of their daughter. Victims located by police and social workers are referred to shelters through an order signed by the MOSAVY, but there is no guardian ad litem law in Cambodia that transfers legal guardianship of children to the State. In this case, a female minor was referred to a shelter for care, but her mother, who is believed to have sold the victim initially, has sued individual shelter workers for refusing to return her daughter to her. The NGO workers could countersue for personal defamation, or file a civil complaint on behalf of the victim alleging human trafficking, but the groups involved say they are highly reluctant to do so because they don't want the public spotlight attendant with a countersuit. The shelter director believes the suit is without merit, since they have the referral form signed by MOSAVY, and has asked the MOJ for assistance in getting the case dismissed.

NGO Meetings Describe Anti-Trafficking Programs

18. (SBU) The STAFFDEL also met with a number of NGOs while in Phnom Penh, including International Justice Mission (IJM), LICADHO, The Asia Foundation (TAF), International Organization for Migration (IOM), the UN Inter-Agency Project on Human Trafficking (UNIAP), and World Hope International. Of particular note was the conversation with IOM and UNIAP that focused on labor-trafficking issues and the effects of the economic downturn on the commercial entertainment industry that is often a front for prostitution and a gateway to trafficking. UNIAP discussed the outcome of its survey of women currently working in entertainment venues such as bars, karaoke parlors, and massage parlors. UNIAP's Lim Tith said the study found that approximately 10% of the women surveyed self-reported that they believed they had been trafficked into the industry. The study found an increase in the number of women entering entertainment work in the last nine months,

but no increase in reported use of deception, cheating, or brokering that is typically involved with trafficking.

Opposition Discusses Human Rights and Women's Issues

¶9. (SBU) The DCM hosted a reception for the STAFFDEL and a select group of politicians representing opposition political parties. Approximately 15 guests attended from the Sam Rainsy Party (SRP) and Human Rights Party (HRP), including Party Presidents Sam Rainsy and Kem Sokha. The STAFFDEL spoke in-depth with the politicians about recent constrictions on free speech and assembly. Tioulong Saumura, the MP from Phnom Penh and Sam Rainsy's wife, discussed the unequal treatment of women in Cambodia and the need to provide better opportunities for education to women and girls in Cambodia. Referring to the recent defamation case against MP Mu Sochua (septels), Tioulong expressed support for Mu's case against the PM, opined that many Cambodian women were offended by the Prime Minister's April 4 speech, and believed that many would think differently about supporting the PM in the future.

Trip to Siem Reap Highlights NGO Activity

¶10. (SBU) The STAFFDEL also spent two days in Siem Reap visiting NGOs and provincial government officials. A stop at the rehabilitation shelter run by Somaly Mam's AFESIP organization provided an overview of the problems facing trafficking victims. Of the more than 60 girls resident at the shelter, more than half had lived there for over a year. While the shelter provides vocational training in sewing, hairdressing, and other tasks, many of the girls struggle with basic literacy and numeracy they would need to open their own businesses. Some of the girls had recently returned to Siem Reap after attending a program in Colorado to work on English-language skills, and they led the tours around the shelter. Mam told the STAFFDEL of her goal to train a group of former victims as public speakers, who could tell their stories and be representatives of trafficking victims world-wide.

¶11. (SBU) The STAFFDEL also visited a USAID-funded hospitality school for at-risk youth, which trains young people to become restaurant cooks, servers, hotel housekeepers, or front desk representatives. Students of the

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school, Sala Bai, are often in high demand by industry businesses, since the one-year training program ensures the students have the necessary skills to do the work. Several former students were on hand during the school holiday break to describe how the opportunity to train for a hospitality job meant increased employment options, higher starting salaries, and more rapid advancement in their careers.

¶12. (SBU) The STAFFDEL met with representatives of four provincial government departments who are members of the Siem Reap Provincial Command Unit (PCU), along with three permanent staff of the PCU Secretariat. Where the National Task Force brings together high-level representatives from all national ministries with a role in anti-trafficking policy, the PCU does the same at a provincial level. All provinces in Cambodia have been asked to establish such a unit, and two - in Siem Reap and Svay Rieng - have received additional training and assistance through a USAID pilot program to improve the functioning of the group. As in Phnom Penh, the provincial officials stressed the importance of a strong victim protection network and how better protections might persuade frightened victims to identify themselves.

COMMENT

¶13. (SBU) This was the first visit to Cambodia for all three staffers. The variety of meetings during their trip made it clear that in this post-conflict society, "it's still early days," in terms of being able to address TIP. The STAFFDEL noted how foreign donor interest in HIV/AIDS and TIP has yielded a patchwork quality of government that is quite progressive in its response to some issues, but deeply lacking in others. They cited as an example the existence of the 2008 anti-TIP law, but the lack of a current Penal Code that defines crimes. The staffers each noted that "you really have to come here to understand; it's so much easier to judge the deficiencies when you haven't been here to understand what's missing."

¶14. (SBU) For their part, the Cambodian interlocutors welcomed the STAFFDEL, using the opportunity to emphasize and highlight the work being done to combat TIP. Government contacts were relatively forthcoming with the visitors, with one MOI contact noting that they "know the anti-TIP law is not perfect," but they are working on implementation and hope to improve it as a tool over time. The STAFFDEL seemed quite pleased with the apparent good cooperation and the work being done by many USG agencies in Cambodia. The trip was successful in promoting a realistic picture of the successes and challenges of Cambodia's anti-trafficking efforts; we hope in turn that it helps inform a realistic view in Washington as well. END COMMENT
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